

# **EXHIBIT A**

## **DR 138 POLITICAL INTELLIGENCE (REVISED)**

The Memphis Police Department and the City of Memphis shall not engage in political intelligence. "Political Intelligence" means the gathering, indexing, filing, maintenance, storage or dissemination of information, or any other investigative activity, relating to any person's beliefs, opinions, associations or other exercise of First Amendment rights.

First Amendment rights are rights protected by the First Amendment to the constitution of the United States, including, but not limited to, the rights to communicate an idea or belief, to speak and dissent freely, to write and to publish, and to associate privately and publicly for any lawful purpose.

Political intelligence includes any investigation into the lawful exercise of First Amendment rights, even if the investigating officer does not have a partisan political motive. Political intelligence is not permissible as a goal of an investigation nor as the means to an end of an otherwise lawful investigation.

No member shall intercept, record, transcribe or otherwise interfere with any communications by means of electronic or covert surveillance for the purpose of gathering political intelligence. No member shall engage in any action or disseminate damaging, derogatory, false or anonymous information about any person which will deprive any individual of their First Amendment Rights; nor will any member encourage, cooperate with, or contract with any local, state, federal or private agency to plan or conduct any investigation involving political intelligence.

Investigations into unlawful conduct that may incidentally result in the receipt of information relating to First Amendment rights are permissible, but require approval by the Director of Police Services or his/her designee. Any member conducting or supervising such an investigation must bring the matter to the attention of the Director of Police Services, or his/her designee, for review and written authorization. If approved, the investigation shall not exceed ninety (90) calendar days. An extension may be granted in writing by the Director or his/her designee for period of up to an additional ninety (90) days.

The form to be utilized to request approval to conduct an investigation under the authority provided in this this DR, are in accordance with the Order, Judgment and Decree for Civil Case 76-449 ("*Kendrick* Consent Decree"), and the Memorandum Opinion issued by the United States District Court in Case No. 2:17-cv-02120, Doc. 151. Copies of both may be found on the Memphis Police Department Kiosk

[show links here].

Except as may be otherwise provided in this DR, the fundamental principles found in The Code of Federal Regulations, 28 CFR Part 23, contain operating policies providing law enforcement professionals with guidance on the operation of criminal intelligence information systems effectively while safeguarding privacy and civil liberties. In the event of a conflict between the principles and provisions of 28 CFR Part 23 and this DR, as well as the provisions of the *Kendrick* Consent Decree, the provisions of the *Kendrick* Consent Decree shall govern.